

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

**Rule making related to interstate compact on the placement of children**

The Human Services Department hereby amends Chapter 142, “Interstate Compact on the Placement of Children,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 232.158.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 232.158.

*Purpose and Summary*

Chapter 142 regarding the Interstate Compact on the Placement of Children was reviewed as part of the Department’s five-year rules review. This rule making permits the Compact Administrator to appoint Deputy Compact Administrators to serve as active members of the Association of Administrators of the Interstate Compact on the Placement of Children. The name of the association is updated in subrule 142.2(1) to reflect the current name. References to what is not considered a child care agency or institution for the purposes of Article II(d) are removed since this language is duplicative of the language in Iowa Code section 232.158(2)“d.” Because the term “sending state” no longer appears in Article III(a) in Iowa Code section 232.158 but does appear in Article V(c), citations to Article III(a) are removed while a citation to Article V(c) is added in new rule 441—142.7(232). Lastly, a clarification is made that placement into Iowa from any location or from Iowa to another location may include placement into or from any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and, with the consent of Congress, the government of Canada or any province thereof.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 7, 2022, as **ARC 6509C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on November 10, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on February 1, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 142.2(1) as follows:

**142.2(1)** The compact administrator may appoint up to three deputy compact administrators to serve as active members of the association of administrators of the interstate compact on the placement of children and who shall be responsible for day-to-day operation of the interstate compact.

ITEM 2. Rescind and reserve rules **441—142.3(232)** and **441—142.4(232)**.

ITEM 3. Renumber rules **441—142.7(232)** to **441—142.9(232)** as **441—142.8(232)** to **441—142.10(232)**.

ITEM 4. Adopt the following new rule 441—142.7(232):

**441—142.7(232) Article V(c).** For the purposes of article V(c), “sending state” shall mean “sending agency.”

ITEM 5. Amend renumbered rule 441—142.9(232) as follows:

**441—142.9(232) Applicability.** The requirements of this compact shall be in effect for all placements into Iowa from any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and, with the consent of Congress, the government of Canada and any province thereof, or from Iowa to any state ~~within~~, territory or possession of the United States, and the District of Columbia, the Commonwealth of Puerto Rico and, with the consent of Congress, the government of Canada and any province thereof.

ITEM 6. Amend **441—Chapter 142**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~chapter 232, division IX~~ section 232.158.

[Filed 11/10/22, effective 2/1/23]

[Published 11/30/22]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/30/22.